

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Aaron Dalton,

Plaintiff,

VS.

Cedar Market Place, LLC,

Defendant.

COURT FILE NO: _____

NOTICE OF REMOVAL

TO: Plaintiff, above-named, and his attorney Padraigin L. Browne, Browne Law LLC,
8530 Eagle Point Blvd., Suite 100, Lake Elmo, MN 55042.

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendant Cedar Market Place, LLC, (“Defendant”) by its undersigned attorneys, hereby files this Notice of Removal of the above-captioned case from the District Court of the State of Minnesota in and for the County of Dakota, where it currently is pending, to the United States District Court for the District of Minnesota, Third Division. The grounds for removal are:

1. Plaintiff Aaron Dalton (“Plaintiff”) commenced this civil action in the District Court of Dakota County, Minnesota, through service of a Summons and Complaint upon Defendant, on August 2, 2018 (“the State Court Action”).

2. A true and correct copy of Plaintiff's Summons and Complaint is attached as Exhibit 1 to this Notice of Removal. Defendant has received no other process, order, or pleadings.

3. To Defendant's knowledge, no proceedings have occurred in the State Court Action. Defendant has served Plaintiff with a copy Defendant's Answer to Plaintiff's Complaint, but has not filed either document with the State Court. Defendant is separately filing its Answer to Plaintiff's Complaint in this Court.

4. Removal to this Court is proper under 28 U.S.C. §§ 1131, 1441(a) and 1446. Plaintiff has alleged violations of 42 U.S.C. §§ 12101 *et. seq.*, the Americans with Disabilities Act, in the State Court Action, and thus this is a civil action under the laws of the United States, of which the Courts of the United States have original jurisdiction within the meaning of 28 U.S.C. § 1331.

5. Venue lies in the Third Division of the United States District Court of the District of Minnesota under 28 U.S.C. § 1441(a) because the Third Division of this District includes Dakota County, Minnesota.

6. Thirty (30) days have not expired from the date Defendant received service of the Complaint in the State Court Action.

7. Defendant is filing this Notice of Removal with the Clerk of the Dakota County District Court and shall give written notice to Plaintiff, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant requests that the State Court Action be removed from the Dakota County District Court to this Court.

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Dated: August 22, 2018

By: /s/ Matthew S. Duffy
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**ATTORNEYS FOR DEFENDANT
CEDAR MARKET PLACE, LLC**